

Amendments to the Drawings

Please amend the drawings by replacing drawing sheets 1 through 3 including Figs. 1 to 3 with the enclosed replacement drawing sheets. Formal replacements will be provided upon approval of the amendments.

REMARKS

I. Status of the Application

Claims 1-46 are pending in this application. In the July 21, 2006 office action, the

Examiner:

- A. Objected to the drawings under 37 CFR 1.83(a);
- B. Objected to the drawings under 37 CFR 1.78(o);
- C. Objected to the Specification under 37 CFR 1.75(d)(1);
- D. Objected to the Summary of the Invention under 37 CFR 1.73
- E. Objected to the Specification under 37 CFR 1.52(b)(2)(iii)
- F. Objected to the Specification under 37 CFR 1.52(a)(1)(v);
- G. Required a new oath under 37 CFR 1.67
- H. Rejected claims 1-13, 15-39 and 47-53 under 35 U.S.C. §101 as allegedly

being directed to non-statutory subject matter.

- I. Rejected claims 1-13, 15-39 and 47-53 under 35 U.S.C. §112, first paragraph,

J. Rejected claims 1-5, 8, 10-13, 15-16, 18-22, 25, 27-34, 36-39 and 47-51 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,763,040 to Hite et al. (hereinafter "Hite");

K. Rejected claims 9 and 17 under 35 U.S.C. § 103(a) as allegedly being obvious over Hite;

L. Rejected claims 6, 7 and 52-53 under 35 U.S.C. § 103(a) as allegedly being obvious over Hite in view of U.S. Patent Publication No. 2002/0174240 A1 to Nason et al.

(hereinafter “Nason”);

M. Rejected claims 23-24, 26 and 35 under 35 U.S.C. § 103(a) as allegedly being obvious over Hite in view of U.S. Patent No. 6,775,692 to Albert et al. (hereinafter “Albert”); and

N. Rejected claims 1 and 47 under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,073,110 to Rhodes et al. (hereinafter “Rhodes”) in view of Hite.

In this response, applicants have amended the drawings, specification, and all of the pending claims. Applicants traverse the objections to the drawings, specification and oath in view of the foregoing amendments and the following remarks. Applicants respectfully traverse the rejections of the claims in view of the foregoing amendments and the following remarks.

II. The Objections to the Drawings under 37 CFR 1.83(a)

The Examiner objected to the drawings as allegedly failing to show every feature of the invention specified in the claims. In particular, the Examiner has stated that the elements “application controller”, “system point”, “database”, “control network”, and “device controller”.

It appears that this objection is in error. The application has been pending for over five years and there have been no objections to the drawings to date. (See January 14, 2005 office action; See August 9, 2005 office action). The above-listed terms have been in the claims since the filing date.

Nevertheless, applicants have amended Fig. 1 to include the claimed “database” in the NPRA 104 of Fig. 1. It is respectfully submitted that exemplary embodiments of the claimed “application controller”, “system point”, “control network”, and “device controller” are clearly present in the drawings. A non-limiting exemplary embodiment of the *application controller* is shown in Figs. 1 and 2 as the NPRA 104. A non-limiting exemplary embodiment of a *system point* is shown in Fig. 4. A non-limiting exemplary embodiment of a *control network* is shown as at least the elements below the line 108 of Fig. 2. A non-limiting exemplary embodiment of the *device controller* is shown in Figs. 2 and 3 as the ASC 112.

While the specification lists that the *database* is part of the application controller (NPRA 104) at page 12, lines 19-21, the *database* is not explicitly shown in Fig. 1. Accordingly, Fig. 1 has been amended to illustrate the database. The amendment is clearly supported by the specification (and claims) of the application as filed.

Apart from the amendment to include the “database”, the objection to the drawings under 37 CFR 1.83(a) is traversed for the reasons discussed above.

III. Objection to the Drawings under 37 CFR 1.78(o)

The Examiner objected to Figs. 1-3 under 37 CFR 1.78(o) as failing to include suitable descriptive legends. In particular, the Examiner has objected to the elements 114, 116 and 108. Applicants believe that the Examiner intended to object to the drawings under 37 CFR 1.84(o) and will proceed under that assumption.

Applicants have amended Fig. 1 such that element 114 includes a descriptive legend. While both elements 108 and 116 contain descriptive legends in at least some of the drawings,

Figs. 1-3 have been amended such that those elements contain descriptive legends in all instances.

Applicants respectfully submit that the amendments to the drawings overcome the Examiner's objections under 37 CFR 1.84(o).

IV. Objection to the Specification under 37 CFR 1.75(d)(1);

The Examiner has objected to the specification under 37 CFR 1.75(d)(1) as allegedly "failing to provide proper antecedent basis for the claimed subject matter." (July 21, 2006 office action at p.4). Applicant respectfully traverses. 37 CFR 1.75(d)(1) only requires that the "claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find *clear support* or antecedent basis in the description. . . ."

It is respectfully submitted that the terms and phrases used in the claims have "clear support" in the specification.

In particular, claim 1, as amended, is directed to a method of transmitting data using a proprietary communication protocol in a system controller that includes an application controller and a plurality of applications for controlling a plurality of device controllers on a control network by using data relating to system points that correspond to data variables in the network. As shown in Figs. 1 and 2 of the Application, an exemplary embodiment of the invention of claim 1 includes a system controller that includes an application controller in the form of NPRA 104, a plurality of applications in the form of applications 102, and a plurality of device controllers 112 and 116. (See Specification at p.5, line 28 to p.6, line 17; see also

id. at p.8, lines 11-16). Referring again generally to claim 1, the proprietary communication protocol includes a plurality of predefined messages transmitted between the application controller and the applications for instructing the application controller to perform a function relating to a select system point. In the embodiment described in the Specification, the applications or clients 102 send messages to the NPRA 104 requesting various operations on system points or SPs. (See *id.* at p.8, line 11-16; see also p.14, lines 25-27; p.15, lines 14-15). As claimed, the predefined messages include messages for reporting to the application in response to the instruction. (See e.g. *id.* at p.18, lines 13-15 and lines 21-23). The plurality of messages includes a discover message transmitted by the applications to the application controller for inquiring whether a select system point is stored in a database of the application controller. (See e.g., *id.* at p.12, lines 19-21).

It is respectfully submitted that the claim language finds “clear support” in the remainder of the specification as illustrated by the foregoing paragraph. Because 37 CFR §1.75(d)(1) requires *either* “antecedent basis” *or* “clear support”, and because the specification provides *clear support* as discussed above, it is respectfully submitted that the objection to the specification under 37 CFR 1.75 (d)(1) is in error and should be withdrawn.

V. Objections to the Summary of the Invention under 37 CFR 1.73

The Examiner has objected to the Summary of the Invention. Applicants have amended the specification accordingly. It is respectfully submitted that the Summary of the Invention, as amended, is commensurate with the scope of the invention.

VI. Objection to the Specification under 37 CFR 1.52(b)(2)(iii)

The Examiner has objected to the specification because the specification allegedly contains multiple columns of text. Applicants respectfully traverse this objection. The multiple columns found in pages 11 and 12 are Tables. These tables are permissible and in permissible format. See 37 CFR 1.58(a).

VII. Objections to the Specification under 37 CFR 1.52(a)(1)(v)

The Examiner has objected to the specification under 1.52(a)(1)(v) because the text labeling in the columns “is not easily subject to optical character recognition as per the rule”. (July 21, 2006 office action at p.4). Applicants respectfully traverse.

The contrast of the terms “Field Name”, “Type”, “S/D”, “Description” to their respective backgrounds appears to be excellent. Indeed, those terms are even darker than the normal text of the specification. Thus, although there appears to be vestiges of some light shading behind that text, the contrast between the bolder text and the light shading is adequate for reproduction under 37 CFR 1.52(a)(1)(v).

It is also noted that this application has been pending for over five years without any apparent issue with regard to reproduction or optical character recognition. Applicants respectfully request clarification as to how it was determined that the subject text is not suitable for reproduction.

Because the Examiner has failed to establish that any of the text on page 8 lacks “sufficient clarity and contrast between the paper and writing thereon to permit the direction reproduction of readily legible copies...”, withdrawal of the objection under 37 CFR

1.52(a)(1)(v) is respectfully requested.

VIII. The Requirement of a New Oath Under 37 CFR 1.67

The Examiner has alleged that the application presents a claim for subject matter not originally claimed or embraced in the statement of the invention. The Examiner therefore required a new Oath. Applicants traverse.

Claim 47 substantially embraces the subject matter of claim 11 as originally claimed. The Examiner alleges that claim 11 as originally claimed and claim 47 “include different limitations”. However, the Examiner has not identified any such different limitations, nor has the Examiner established how those different limitations differ sufficiently to establish that claim 47 fails to “embrace” the subject matter of claim 11.

In fact, claim 47 represents claim 11 as originally filed, in independent format. Thus, it is respectfully submitted that the objection to the Oath be withdrawn.

IX. The Rejection of Claims 1-13, 15-39 and 47-53 Under 35 U.S.C. §101 as Allegedly Being Directed to Non-Statutory Subject Matter

The Examiner has rejected claims 1-13, 15-39 and 47-53 as allegedly being directed to non-statutory subject matter. In particular, the Examiner has alleged that the claims were directed to a protocol, which is not tangible because it merely specifies a format for data.

In this response, all of the claims have been amended to recite a method that includes transmitting data using the protocol. The limitations otherwise remain the same. It is respectfully submitted that transmitting data in a certain format or protocol constitutes

statutory subject matter under 35 U.S.C. § 101. Accordingly, in view of the foregoing amendments, it is respectfully submitted that the rejection of claims 1-13, 15-39 and 47-53 under 35 U.S.C. §101 should be withdrawn.

X. The Rejection of Claims 1-13, 15-39 and
 47-53 Under 35 U.S.C. §112, First Paragraph

The Examiner has rejected claims 1-13, 15-39 and 47-53 under 35 U.S.C. § 112, first paragraph. In particular, the Examiner stated that the “specification, while being enabling for using the protocol in a LonTalk® environment, does not reasonably provide enablement for implementing the invention using another building automation and control network, such as a BACnet environment.” (July 27, 2006 office action at p.6).

The Examiner then states that the “Examiner fails to see how the entire scope of the claim is enabled”. (*Id.* at p.8).

The enablement rejection is traversed.

“If an invention pertains to an art where results are predictable, ... , a broad claim can be enabled by disclosure of a single embodiment”. (Spectra-Physics, Inc. v. Coherent, Inc. Fed. Cir. 1987). The Examiner has admitted that the applicants have enabled an embodiment of the invention. Thus, a working example of the claimed invention has been provided. The Examiner further admitted that the invention was in an art in which results are predictable. (*Id.* p.7). Applicants agree. In fact, the whole purpose of a transmission protocol is to have a predictable method of transmitting data.

Thus, the enablement requirement has been satisfied under the Spectra-Physics standard. This application does not pertain to the chemical arts. There are a large number of

data protocols in existence, one familiar with a particular protocol can readily determine if the present invention may be implemented with that protocol, and readily determine how to implement the invention within that protocol.

Incorporation of the present invention in a predictable data transmission protocol would be within the skill of one of ordinary skill in the art.

It is therefore respectfully submitted that the full scope of the claims is enabled. As a consequence, the rejection of claims 1-13, 15-39 and 47-53 under 35 U.S.C. § 112, first paragraph is in error and should be withdrawn.

XI. The Rejection of Claims 1-5, 8, 10-13, 15-16, 18-22, 25, 27-34, 36-39 and 47-51 under 35 U.S.C. §102(e) as allegedly being anticipated by Hite

The Examiner has rejected claims 1-5, 10-13, 15-16, 18-22, 25 and 27-34 as allegedly being anticipated by Hite. Applicants respectfully traverse.

A. Hite Does Not Anticipate Claim 1

The Examiner relies primarily in the reasoning of the August 9, 2005 Final Office Action (“Final Office Action”) for this rejection. (July 27, 2006 office action at p.8). In the August 9, 2005 Final Office Action, the Examiner rejected claim 1 as allegedly being anticipated by Hite. As will be discussed below in detail, Hite does not teach, show or suggest each and every element of claim 1. As a consequence, it is respectfully submitted that the anticipation rejection of claim 1 should be withdrawn.

1. Hite

Hite teaches a system in which a control area network, which uses a proprietary protocol, may be controlled and/or monitored via the Internet using standard Web interfaces. These systems are shown in Fig. 8 of Hite. Fig. 1 of Hite also shows a standard web browser 23, 24 that interfaces to a control area network via the Internet and a control network portal 12. This configuration allows for user access to control information using standard Internet web browsers, which use standard protocols. (Col. 4, lines 1-44).

In contrast to the standard web protocols, the control network portal 12 uses a *proprietary protocol* to communicate with the control area network 34. Fig. 3 shows the portal 12 as including a web server 13 having standard COI and ASP functionalities, and an Internet Appliance server 14 (or 320 of Fig. 3) that performs the protocol conversion to the proprietary protocol. (See Hite at col. 6, lines 1-8 and col. 9, lines 39-43). It is the control area networks, and not the Internet Web Browsers, that use the control network message protocol of columns 12-51. (*Id.* at col. 9, line 51 to col. 11, line 49).

The proprietary protocol defines a packet having a protocol field, a length of data field, a data field, and a checksum. The protocol field indicates the type of protocol. The length of data field lists the length, in bytes, of the data field. The data field contains the sub protocol data and the checksum determines the integrity of the packet. (Hite at Abstract).

2. Hite Does Not Teach a Discover Message as Claimed

Hite fails to teach, show or suggest "a discover message transmitted from the applications to the application controller for inquiring whether the select system point is

stored in a database of the application controller", as recited in claim 1. The Examiner has failed to allege a prima facie case of anticipation because the Examiner identifies no portion of Hite that discusses a message that inquires whether a system point is stored in an application controller.

In at least one embodiment, "system points" are elements that correspond to data variables in the network. Nonlimiting examples of system points provided in the specification include a room temperature, a room temperature set point, or the like. (Specification at p.8).

a. The Examiner's Rejection

In the rejection of claim 1, the Examiner asserted that the claimed discover message was taught in two places of Hite. In particular, the Examiner alleged that Hite disclosed:

plurality of messages include a discover message transmitted from the applications to the application controller for inquiring whether the select system point is stored in a database of the application controller (Col 3, lines 55-58, Col 9, lines 25-41).

(Final Office Action at p.3). The Examiner also cites col. 33, lines 11-17.

Applicants submit that the above-cited portions of Hite do not teach or suggest a discover message that inquires as to whether an element corresponding to a data variable, *i. e.* a system point, is stored in *any* database, much less the database of the application controller. The portions of Hite cited by the Examiner as teaching the claimed discover message are set forth below:

. . . Content providers 25 and 26 are typically web servers that generate and provide static and/or dynamic information and content in the form of web pages. Content provider applications executing on the web server are able to mine data stored in databases (not shown). The web pages. . .

(Hite at col. 3, lines 55-58)

Databases 314 are operable to store information that can be used by web servers 312 to provide content that may be required by a control area network device 326. This can include information such as CD lists, television listings, sports data, stock information or any other type of information that may be used by control access network device 326.

(Hite at col. 9, lines 25-31).

The above quoted portions of Hite do not teach a discover message in which an application inquires as to whether a particular point is stored in the database of an application controller. In fact, the above quoted portions of Hite do not teach *any* message that inquires as to whether a particular point is stored in *any* database. Instead, these portions of Hite merely teach that database information may be formulated into a web page and then provided

to another application. There is no indication that the application requesting the information generates an inquiry regarding whether or not a specified system point is stored.

The other portion of Hite cited is set forth below:

Request Devices Online

This message is used by the IDE to request a list of online devices for the receiving NetLynx mater. The master will respond with Device Info message(s) for each device currently online. In addition, it will generate a Port Count message for each device.

(Hite at col. 33, lines 11-17).

Similarly, this does not imply or disclose “a discover message . . . inquiring whether the select system point is stored in a database is stored in a database of the application controller”. The above cited passage merely states that a general online list may be generated. There is no disclosure about a message that inquires whether a particular system point is stored in a database.

Thus, the Examiner has failed to set forth a prima facie case of anticipation. The Examiner has incorrectly contended that formulating web pages using system data, as disclosed in Hite, constitutes a teaching of "a discover message transmitted from the applications to the application controller for inquiring whether the select system point is stored in a database of the application controller", as claimed. Formulating web pages does not require a "discover" message either inherently or expressly.

For at least this reason, it is respectfully submitted that the rejection of claim 1 as anticipated by Hite should be withdrawn.

B. Claims 2-5, 8, 10-13, 15-16, 18-22, 25, 27-34 and 36-39

Claims 2-5, 8, 10-13, 15-16, 18-22, 25, 27-34 and 36-39 also stand rejected as allegedly being unpatentable over Hite. Claims 2-5, 8, 10-13, 15-16, 18-22, 25, 27-34 and 36-39 all depend from and incorporate all of the limitations of claim 1. Accordingly, for at least the same reasons as those set forth above in connection with claim 1, it is respectfully submitted that the anticipation rejections of claims 2-5, 8, 10-13, 15-16, 18-22, 25, 27-34 and 36-39 should be withdrawn.

1. The Rejection of Claims 3-5 Should be Withdrawn for Additional Reasons.

The rejection of claim 3 should be withdrawn for additional reasons. Claim 3 includes a limitation directed to the protocol including a "system point identification field" for identifying the select system point. As discussed above, a system point is an element that corresponds to a network variable. A variable, as is known in the art, is something that changes.

In the rejection of claim 3, the Examiner cites col. 4, lines 10-20 of Hite as teaching a system point identification field. (Final Office Action at p.4, citing the First Office Action at p.3). Column 4, lines 10-20 of Hite teach the use of a URL request for a web page. A URL request does not identify a system point. A URL merely constitutes an address of a database, not an identification of network variable.

Moreover, a URL request is not part of a "proprietary protocol". URL requests constitute a part of the standard, open source World Wide Web command, *as clearly taught by Hite* at col. 4, lines 1-38. Thus, the URL request of Hite cannot constitute a system point

identification field of a *proprietary* communication protocol. While Hite appears to teach a proprietary protocol at cols. 12-51, that proprietary protocol does not include a URL request generated by an application and sent to a web server, as taught by Hite at col. 4, lines 1-38.

It is therefore respectfully submitted that the Examiner has failed to make out a prima facie case of anticipation. Accordingly, for reasons independent of those discussed above in connection with claim 1, it is respectfully submitted that the anticipation rejection of claim 3 should be withdrawn.

Claims 4 and 5 depend from claim 3. Accordingly, the rejections of claim 4 and 5 over Hite should be withdrawn for at least all the reasons set forth above in connection with claim 3.

2. The Rejection of Claim 11 Should be Withdrawn for Additional Reasons.

The rejection of claim 11 should be withdrawn for additional reasons. Claim 11 includes a limitation directed to the protocol including a "field for determining a format for displaying the element values [of a select system point]".

In the rejection of claim 11, the Examiner cites col. 15 of Hite as teaching message field determining a format for displaying element values of a system point. (Final Office Action at p.4, cited the First Office Action at p.5). The word "display", however, is not mentioned or implied in column 15 of Hite. Instead, column 15 of Hite lists several messages that define "data formats" for messages. Hite does not disclose that such data formats are in any way related to display.

It is therefore respectfully submitted that the Examiner has failed to make out a prima facie case of anticipation of claim 11. Accordingly, for reasons independent of those discussed above in connection with claim 1, it is respectfully submitted that the anticipation rejection of claim 11 should be withdrawn.

C. Claim 47

The rejection of claim 47 should be withdrawn. In the July 21, 2006 office action, the Examiner applied the same reasoning as that set forth in the August 9, 2005 Final Office Action. (July 21, 2006 office action at p.8).

1. Hite Does Not Teach a Field Determining a Display Format as Claimed

Hite fails to teach, show or suggest a "proprietary communication protocol comprising. . . a field for determining a format for displaying. . . element values", as recited in claim 47. The Examiner has failed to allege a prima facie case of anticipation because the Examiner identifies no portion of Hite that discusses a message of a proprietary communication protocol that has a field relating to display formats for data.

a. The Examiner's Rejection

In the rejection of claim 47, the Examiner asserted that the claimed display format field was taught in two places of Hite. In particular, the Examiner alleged that Hite disclosed:

a field for determining a format for displaying said element values (Col 4, lines 24-27, Col 22, lines 13-23).

(Final Office Action at p.4).

Applicants submit that the above-cited portions of Hite do not teach or suggest a proprietary communication protocol having a field for determining a display format. The portions of Hite cited by the Examiner as teaching the claimed display format field:

. . . The web server receives the request and sends a web page file to the web browser, which decodes the file to display information specified format on the screen. Web pages with dynamic content provided by gateway interfaces such as CGI and ISAPI are executable applications. . . (Hite at col. 4, lines 24-27)

The String message is generated by the master to communicate a String. The format of a String is similar to a "C Language" string, however, the semantics are different. A String in a control system context is used to generate a "control" message. The "control" message could cause a laser disc player to begin playing a disc, display a message to the user of the system, or any number of other uses. The string will be converted, as necessary, to any format that the device supports as determined by the StringSize message. (Hite at col. 22, lines 13-23).

The above quoted portions of Hite do not teach a display format field in a message in a proprietary communication protocol. In particular, the first paragraph describes displaying information from a web page, which uses standard, open protocol files. As discussed further above, Hite discloses a system that includes both an open protocol web browser and a proprietary protocol control area network. The first paragraph cited by the Examiner relates to the open protocol web browser and web pages. The formatting of web pages in Hite does not involve using messages of the proprietary protocol that define the display format. Instead, Hite appears to use predefined formats and/or standard open protocol formatting. In any event, mere display of data on a web page does not imply that a proprietary protocol message must include a display format field.

The second paragraph cited by the Examiner describes a String command of Hite. Hite teaches that the "String" of the String command has a formatted length. However, Hite does not teach that the String command may be displayed, formatted or otherwise. Hite only

teaches that the String command may be used to cause a message to be displayed. Hite does not suggest that the displayed message is the String command itself.

Thus, the Examiner has failed to set forth a prima facie case of anticipation. For at least this reason, it is respectfully submitted that the rejection of claim 47 as anticipated by Hite should be withdrawn.

D. Claims 48-51

Claims 48-51 also stand rejected as allegedly being unpatentable over Hite. Claims 48-51 all depend from and incorporate all of the limitations of claim 47. Accordingly, for at least the same reasons as those set forth above in connection with claim 47, it is respectfully submitted that the anticipation rejections of claims 48-51 should be withdrawn.

The rejection of claims 49-51 should also be withdrawn for the additional reasons set forth above in connection with claims 3-5.

1. The Rejection of Claim 29 Should be Withdrawn for Additional Reasons.

The rejection of claim 29 should be withdrawn for additional reasons. Claim 29 includes a limitation directed to the protocol including a "message transmitted. . . for canceling a previously transmitted message".

In the rejection of claim 29, the Examiner cites col. 43, lines 34-45 of Hite. (Final Office Action at p.4, cited the First Office Action at p.8). This portion of Hite discusses commands that add and delete IP addresses from an IP address list. In other words, a command "Add IP Address" may be used to add an IP address to a list of IP addresses, and a

command "Delete IP Address" may be used to remove an IP address. A message that causes a piece of data to be deleted from a database list, such as an IP address list, does not constitute a "message. . . canceling a previously transmitted message". Deleting a piece of data does not relate to or identify any particular prior message.

Without more, it would appear that the Delete IP Address message does not intercept, cancel, or even refer to a prior message of any type. (See Hite at col. 43, lines 42- 44). It is therefore respectfully submitted that the Examiner has failed to make out a prima facie case of anticipation. Accordingly, for reasons independent of those discussed above in connection with claim 1, it is respectfully submitted that the anticipation rejection of claim 29 should be withdrawn.

XII. The Rejection of Claims 9 and 17 under 35 U.S.C. § 103(a)

Claims 9 and 17 stand rejected as allegedly being unpatentably obvious over Hite. Claims 9 and 17 depend from and incorporate all of the limitations of claim 1. The modification of Hite proposed by the Examiner in connection with the rejection of claims 9 and 17 does not overcome the deficiencies of Hite with respect to claim 1. Accordingly, for at least the same reasons as those set forth above in connection with claim 1, it is respectfully submitted that the anticipation rejections of claims 9 and 17 should be withdrawn.

XIII. The Rejection of Claims 6, 7 and 52-53 under 35 U.S.C. § 103(a)

Claims 6, 7 and 52-53 stand rejected as allegedly being obvious over Hite in view of Nason.

Claims 6 and 7 depend from and incorporate all of the limitations of claim 1, and claims 52-53 depend from and incorporate all of the limitations of claim 47. The modifications of Hite proposed by the Examiner in connection with the rejection of claims 6, 7, 52 and 53 do not overcome the deficiencies of Hite with respect to either of underlying claims 1 or 47. Accordingly, for at least the same reasons as those set forth above in connection with claims 1 and 47, it is respectfully submitted that the anticipation rejections of claims 6, 7, 52 and 53 should be withdrawn.

XIV. The Rejection of Claims 23-24, 26 and 35 under 35 U.S.C. § 103(a)

Claims 23, 24, 26 and 35 stand rejected as allegedly being obvious over Hite in view of Albert. Claims 23, 24, 26 and 35 depend from and incorporate all of the limitations of claim 1. The modification of Hite proposed by the Examiner in connection with the rejection of claims 23, 24, 26 and 35 does not overcome the deficiencies of Hite with respect to claim 1. Accordingly, for at least the same reasons as those set forth above in connection with claim 1, it is respectfully submitted that the anticipation rejections of claims 23, 24, 26 and 35 should be withdrawn.

XV. The Rejection of Claims 1 and 47 under 35 U.S.C. §103(a) Over Hite and Rhodes

The Examiner rejected claim 1 as allegedly being obvious over Rhodes in view of Hite. As discussed above, Hite fails to teach a “discover message” as claimed in claim 1. The Examiner further admits that Rhodes fails to teach a “discover message” as claimed. (July 21, 2006 office action at p.11). Accordingly, the combination of Rhodes and Hite as proposed by

the Examiner fails to arrive at the invention of claim 1.

It is therefore respectfully submitted that the obviousness rejection of claim 1 is in error and should be withdrawn.

The Examiner also rejected claim 47 as allegedly being obvious over Rhodes in view of Hite. Regarding this rejection, the Examiner stated that “Regarding claim 47, it is rejected for the reasons given with respect to claim 1.” (*Id.* at p.13). It does not appear that the Examiner has set forth a prima facie case of obviousness because claim 47 includes limitations not found in claim 1, and not discussed in the “reasons given with respect to claim 1.” In particular, the discussion of claim 1 is silent with regard to a field for “determining a format for displaying said element values”, as called for in claim 47.

It is therefore respectfully submitted that the obviousness rejection of claim 47 is in error and should be withdrawn.

❧VI. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicants have made a patentable contribution to the art. Favorable reconsideration and allowance of this application is, therefore, respectfully requested.

Respectfully submitted,



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